

REMARKS

Upon entry of the following amendments, claims 1, 3-5, 7-10, 12, 13 and 15-19 constitute the pending claims in the present application. Claims 2, 6, 11 and 14 have been cancelled. Claims 17- 18 are new. Claims 8 and 15 stand objected to. Claims 1, 3-5 and 7-16 stand rejected. Claims 1, 3-5, 8, 10, 12, 13, 15 and 16 have been amended. Applicants also enclose a Request for Continued Examination.

Claim Objections

Claims 8 and 15 are objected to because “each claims contains a trademark.” Applicants have amended claim 8 to recite “polysorbate 20” instead of “TWEEN®20”. Polysorbate 20 is the common term for the polymer sold under the commercial name TWEEN®20. Applicants submit that one of skill in the art would understand what type of polymer is meant by TWEEN®20. Applicants have amended claim 15 to recite “sodium polyacrylate” instead of “WATERLOCK® A220”. Sodium polyacrylate is the common term for the polymer sold under the commercial term “WATERLOCK® A220”. Applicants submit that one of skill in the art would understand what type of polymer is meant by WATERLOCK® A220. Therefore, Applicants request that the Examiner withdraw the objections over claims 8 and 15.

Claims Rejections – 35 U.S.C. § 112, second paragraph - Indefiniteness

Claims 5 and 11 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants have amended claim 5 to recite a structure that clearly depicts a polymer, wherein n is an integer greater than or equal to 2. The structure as amended is the same as that which the Examiner suggests on page 4 of the Office Action. Applicants have cancelled claim 11. Thus, the rejection of claim 11 is rendered moot. Therefore, Applicants submit that claim 5 as amended satisfies the enablement requirement. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph are respectfully requested.

Claims Rejections – 35 U.S.C. § 103(a) - Claims 1, 4-5, 7, 10-11, 13-14 and 16

Claims 1, 4-5, 7, 10-11, 13-14 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Pat. No. 5,533,971 to Phipps (“Phipps”) in view of the Table of pKa and pi values for amino acids (<http://www.mhhe.com/physsci/chemistry/carey5e/Ch27/ch27-1-4-2.html>).

Applicants respectfully assert that the teachings of Phipps, either alone or in combination with the Table of pKa and pI values for amino acids, do not render obvious claims 1, 4-5, 7, 10-11, 13-14 and 16. These references fail to teach or suggest an iontophoretic device for transdermally delivering a medicament to an affected area of a living subject's body including, among other things, an active electrode assembly associated with the polymeric gel matrix, where the active electrode assembly includes a first electrode in electrical communication with medicament ions in the polymeric gel matrix. The iontophoretic also includes a second electrode in direct electrical communication with the living subject's body.

Phipps discloses an iontophoretic device that includes electrodes and reservoirs. As shown in Figure 1, his device includes a "donor reservoir 16", a "counter reservoir 18", a "donor electrode 12", and "counter electrode 14". According to Phipps, "the donor and counter electrodes 12 and 14 are positioned adjacent to, and in electrical contact with, the donor reservoir 16 and the counter reservoir 18, respectively" (Col 5, lines 44-46). As shown in Figure 1, Phipps's "counter electrode 14" is not in direct electrical communication with the living subject's body. More specifically, Phipps's "counter reservoir 18" is positioned between the "counter electrode 14" and the patient's body. With regard to Table of pKa and pI values for amino acids, Applicants respectfully assert that the Table simply does not teach an electrode assembly. Accordingly, at least for the foregoing reasons, Applicants respectfully request the rejection of claims 1, 4-5, 7, 10-11, 13-14 and 16 be withdrawn.

Claims Rejections – 35 U.S.C. § 103(a) - Claims 1, 3, 10 and 12

Claims 1, 3, 10 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Phipps (U.S. Pat. No. 5,533,971) in view of the Table of pKa and pI values for amino acids as noted above, and further in view of the lidocaine record in the Merck index.

As described above, neither Phipps nor the Table of pKa and pI values for amino acids, either alone or in combination, teaches or suggests the iontophoretic device as recited in claims 1 and 10. The lidocaine record in the Merck index simply does not teach or suggest iontophoretic devices. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection.

Claims Rejections – 35 U.S.C. § 103(a) - Claims 1, 3, 9-10 and 12

Claims 1, 3, 9-10 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Phipps (U.S. Pat. No. 5,533,971) in view of the Table of pKa and pI values for amino acids as noted above, and further in view of Parkinson et al. PG Pub. No. US 20030023228 (“Parkinson”). According to the Examiner, Parkinson teaches “an iontophoretic device for delivery of anti-inflammatory steroids that includes that includes water-soluble forms of dexamethsone [sic] in particular” and “that in an iontophoretic device the active electrode assemblies can be open faced as well as high-density electrodes” (page 8 of the Action).

As described above, neither Phipps nor the Table of pKa and pI values for amino acids, either alone or in combination, teaches or suggests the iontophoretic device as recited in claims 1 and 10. Parkinson, either alone or in combination with Phipps and/or the Table of pKa and pI values for amino acids, fails to teach or suggest an iontophoretic device as recited in claims 1 and 10. Therefore, Applicants submit that claims 1, 3, 9-10 and 12 are inventive over the cited references, and respectively request that the Examiner withdraw the rejection.

Claims Rejections – 35 U.S.C. § 103(a) - Claims 1 and 8

Claims 1 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Phipps (U.S. Pat. No. 5,533,971) in view of the Table of pKa and pI values for amino acids as noted above, and further in view of Hsu et al. PG Pub. No. U.S. 20030161870 (“Hsu”). Specifically, the Examiner states that Hsu teaches “that a variety of compounds are used in the art of drug delivery to enhance skin permeability that includes TWEEN®20”.

As described above, neither Phipps nor the Table of pKa and pI values for amino acids, either alone or in combination, teaches or suggests the iontophoretic device as recited in claim 1. Hsu, either alone or in combination with Phipps and/or the Table of pKa and pI values for amino acids, fails to teach or suggest an iontophoretic device as recited in claim 1. Therefore, Applicants submit that claim 1 and dependent claim 8 are inventive over the cited references, and respectively request that the Examiner withdraw the rejection.

Claims Rejections – 35 U.S.C. § 103(a) - Claims 10 and 15

Claims 10 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Phipps (U.S. Pat. No. 5,533,971) in view of the Table of pKa and pI values for amino acids as noted above, and further in view of the Grain Processing Corporation WATER LOCK Superabsorbent Polymers reference (“the GPC reference”). Specifically, the Examiner states that “Phipps does not teach a particular variety of WATER LOCK® but instead implies that any would be suitable. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ WATER LOCK® A220, as a finite number of variants are available and all serve the purpose of absorbing water”.

Applicants note that claim 15 has been amended to recite the common term “sodium polyacrylate” instead of “WATERLOCK® A220” - With respect to claim 10, As described above, neither Phipps nor the Table of pKa and pI values for amino acids, either alone or in combination, teaches or suggests the iontophoretic device as recited in claims 10. The GPC reference, either alone or in combination with Phipps and/or the Table of pKa and pI values for amino acids, fails to teach or suggest an iontophoretic device as recited in claim 10. Accordingly, at least for the foregoing reasons, Applicants respectfully request the rejection of claims 10 and 15 be withdrawn.

~~Therefore, Applicants submit that claim 10 and dependent claim 15 are inventive over the cited references, and respectively request that the Examiner withdraw the rejection.~~

CONCLUSION

In view of the above, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee beyond that required for the extension of time mentioned above is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945.

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Respectfully submitted,

By /Jong Min Park/
Jong Min Park
Registration No.: 63,389
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicants